

Notice of Allowability

Application No.

10/007,301

Applicant(s)

ATTAR ET AL.

Examiner

Huy D. Nguyen

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/4/2005.
2. ☒ The allowed claim(s) is/are 1-5,8-18,21-26,28-30,32 and 33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jian Ma on 10/20/2005.

The application has been amended as follows:

Claim 1, line 7: after "request channel", "." has been deleted. The following language has been inserted: -- ; determining whether an imbalance exists when the sector is retained in the subscriber station's list; and transmitting from at least the sector with the highest forward link quality metric a power control command determined in accordance with the highest reverse link quality metric if the imbalance exists; wherein said determining whether an imbalance exists comprises: measuring at each sector belonging to the list reverse link quality metrics of a subscriber station; determining at each sector belonging to the list a quality metric of a forward link transmitted by the sector to the subscriber station; and declaring the imbalance if: the forward link quality metric of one of the plurality of sectors is greater than a forward link quality of the rest of the plurality sectors by a first threshold; and said measured reverse link quality metric at the one of the plurality sectors is less than said measured reverse link quality at the rest of the plurality sectors by a second threshold. --.

Claim 14, line 11: after "sufficient", "." has been deleted. The following language has been inserted: -- ; wherein said set of instructions executable by the processor comprises a set of

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instructions to: determine whether an imbalance exists when the sector is retained in the subscriber station's list; and if the imbalance exists then: provide to at least the sector with the highest forward link quality metric a power control command determined in accordance with the highest reverse link quality metric; wherein said set of instructions executable by the processor determine whether an imbalance exists comprises a set of instructions to: determine at each sector belonging to the list reverse link quality metrics of a subscriber station; determine at each sector belonging to the list a quality metric of a forward link transmitted by the sector to the subscriber station; and declare the imbalance if: the forward link quality metric of one of the plurality of sectors is greater than a forward link quality of the rest of the plurality sectors by a first threshold; and said measured reverse link quality metric at the one of the plurality sectors is less than said measured reverse link quality at the rest of the plurality sectors by a second threshold. --.

Claim 26, line 10: after "exists", "." has been deleted. The following language has been inserted: -- ; wherein said determining an imbalance in accordance with said measured reverse link quality metrics, and said determined quality metrics of forward links comprises: declaring the imbalance if: the forward link quality metric of one of the plurality of sectors is greater than a forward link quality of the rest of the plurality sectors by a first threshold; and said measured reverse link quality metric at the one of the plurality sectors is less than said measured reverse link quality at the rest of the plurality sectors by a second threshold. --.

Claim 30, line 13: after "quality metric", "." has been deleted. The following language has been inserted: -- ; wherein said set of instructions executable by the processor to determine imbalance in accordance with said measured reverse link quality metrics, and said determined

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quality metrics of forward links comprises a set of instructions to: declaring the imbalance if: the forward link quality metric of one of the plurality of sectors is greater than a forward link quality of the rest of the plurality sectors by a first threshold; and said measured reverse link quality metric at the one of the plurality of sectors is less than said measured reverse link quality at the rest of the plurality sectors by a second threshold. --.

Claims 6-7, 19-20, 27, 31 have been canceled.

2. The following is an examiner's statement of reasons for allowance:

Claim 1 has been amended to include the allowable subject matter of claim 7. Therefore, claim 1 is now allowable with the same reason set forth in the previous office action (office action 05182005).

Claims 2-5, 8-13 depend on claim 1. Therefore, they are allowable.

Claim 14 has been amended to include the allowable subject matter of claim 20. Therefore, claim 14 is now allowable with the same reason set forth in the previous office action (office action 05182005).

Claims 15-18, 21-25 depend on claim 14. Therefore, they are allowable.

Claim 26 has been amended to include the allowable subject matter of claim 27. Therefore, claim 26 is now allowable with the same reason set forth in the previous office action (office action 05182005).

Claims 28-29 depend on claim 26. Therefore, they are allowable.

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Claim 30 has been amended to include the allowable subject matter of claim 31.

Therefore, claim 30 is now allowable with the same reason set forth in the previous office action (office action 05182005).

Claims 32-33 depend on claim 30. Therefore, they are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HN
Huy Nguyen


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER